

State of Alaska
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATION, BUSINESS AND PROFESSIONAL LICENSING

BIG GAME COMMERCIAL SERVICES BOARD
Minutes of the meeting on Thursday, July 26th 2018

By the authority of AS 08.01.070(2) and AS 08.86.030, and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Big Game Commercial Services Board was held via teleconference on Thursday, July 26th, 2018.

These are DRAFT minutes prepared by the staff of the Division of Corporation, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.

Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For a more detailed account, please request a copy of the meeting recording.

The Chair brought the meeting to order at 9:02 am

Board Members Present via teleconference, constituting a quorum:

Cash Joyce, Licensed Transporter
Thomas Sullivan-Public Member
Henry Tiffany-Licenses Registered Guide-Board Chair
Adam Trombley-Public Member-Board vice Chair
Larry Van Daele-Board of Game Representative
Michelle Heun-Licensed Transporter
Jason Bunch-Licensed Registered Guide
Nicolas Jackson-Private Land Owner

Staff Members present:

Lee Strout-Investigator
Dawn K Hannasch-Occupational Licensing Examiner
Megyn Weigand-Department of Law
Lawrence Pederson-Administrative Law Judge

Members of the public present:

Mark Richards
Mark Enyart
Aaron Frenzel
Mont Mahoney

Review the Agenda:

The board reviewed the agenda. No changes were made. The agenda was reviewed and approved by the Board Chair, Henry Tiffany via email, June 25, 2018. However, Board Member Larry Van Daele recommended that in the future all items that may require executive session, be placed on the agenda at the end of the day, so the public may better plan their attendance. Board Chair Henry Tiffany stated that he would work with staff for future meetings to make this the new standard.

Ethics Review:

Board Chair, Henry Tiffany opened the floor for any ethics disclosures. Board Member Adam Trombley informed the board that later in the meeting, under agenda items "exam concerns", Mr. Trombley's uncle Glen Trombley's concerns will be presented. Board member Trombley plans to recuse himself fully from that portion of board business. Board Chair Tiffany accepted the recusal.

Board Member Larry Van Daele disclosed that he was the managing biologist consulted during an investigation that has subsequently resulted in a consent agreement for a licensee. Board Chair Tiffany, did not believe that this was an ethics issue and appreciated Mr. Van Daele's disclosure.

Review & Approve Past Meeting Minutes:

Hearing nothing further, Mr. Tiffany moved the board onto the next agenda item.

Board Member Van Daele thanked staff member, Dawn Hannasch for the good work she does on the minutes. He did point out a misspelled word that would need to be corrected on line 109 (widdling to whittling).

In a motion duly made by Larry Van Daele and seconded by Michelle Heun, with unanimous consent, it was resolved to approve the meeting minutes as amended, from the March 21st & 22nd 2018 meeting.

Investigative Issues:

- **Definition of "emergency situation" in regards to 12 AAC 75.240(f)(1)(h)(4):**

Board Chair Henry Tiffany opened the discussion regarding emergency medical situations for family members of guides and transporters, while the licensee is in the field. The regulations in question are below for reference:

(f) The contracting registered-guide outfitter or a noncontracting registered guide-outfitter or class-A assistant guide supervising an assistant guide shall be available in the same guide use area, or an adjacent guide use area with a common border, to direct and monitor the big game hunting services provided to the client, except during times when

(1) an emergency situation exists that requires the guide's assistance; or

- 91 (h) In this section, "emergency situation" means a situation in which a person is in a remote area and
92 (1) is involuntarily experiencing an absence of food, water, shelter, or medical care required to
93 sustain life or health;
94 (2) is lost;
95 (3) is unable to perform the functions necessary for survival, leading to a high risk of death or serious
96 and permanent health problems without the assistance of the guide; or
97 **(4) the guide's presence is necessary for a family medical condition.**
98

99 The Alaska Wildlife Troopers requested that the board clarify the intend and definition so that
100 they can apply the information while conducting investigations in the field if needed. Board
101 Member Jason Bunch, after many hours of research, provided the board with a draft of a positions
102 Statement clarifying for the AST's, the board investigator and the licensees, the purpose and intent
103 of the regulation, specifically as it relates to the child birth.
104

105 Regulation Position Statement

- 106
107 1. **SUBJECT:** Supervision exception for "Emergency Situation" regarding "family medical
108 condition".
109
110 2. **APPLICABILITY:** This policy applies to contracting guide outfitters who are expecting the birth
111 of their child within dates of contracted hunts.
112
113 3. **STATUTES AND REGULATIONS AFFECTED:** AS 08.54.600, AS 08.54.605, AS 08.54.630, AS
114 08.54.635, AS 08.54.790, 12 AAC 75.240
115
116 4. **INTENT:** To provide further direction to contracting guides, law enforcement, division of
117 commerce, land managers and clients concerning supervision regulation 12 AAC 75.240
118 (f)(1)(h)(4).
119 (f) The contracting registered-guide outfitter or a non-contracting registered guide-outfitter or
120 class A assistant guide supervising an assistant guide shall be available in the same guide use area,
121 or an adjacent guide use area with a common border, to direct and monitor the big game hunting
122 services provided to the client, except during times when:
123 (1) an emergency situation exists that requires the guide's assistance;
124 (h) in this section, "emergency situation" means a situation in which a person is in a remote area
125 and
126 (4) the guide's presence is necessary for a family medical condition.
127
128 5. **POSITION:** Under provisions of regulation 12 AAC 75.240 it is the position of the Big Game
129 Commercial Services Board that the birth of a child is included in the definition of a "family
130 medical condition".
131
132
133
134

6. RECOMMENDATIONS:

a. Contracting guides should provide a letter to the client informing them of their absence during their hunt. This letter should be signed by the client and kept with the hunt contract in the case conflicts arise.

b. Parameters of Statute 08.54.610 (e) and Regulation 12 AAC 75.240 (i)(2) should be adhered to when a planned childbirth is used for constituting the contracting guides absence.

In a motion duly made by Jason Bunch and seconded by Adam Trombley, with a roll call vote, it was resolved to adopt the position statement as written, using the same format as the Board of Game position statements and adding a numbering system for this and all position statements in the future.

Cash Joyce-YES

Thomas Sullivan-YES

Henry Tiffany-YES

Adam Trombley-YES

Larry Van Daele-YES

Michelle Heun-YES

Jason Bunch-YES

Nicolas Jackson-YES

- Consent agreements**

Hearing no further discussion on the above matter, Board Chair Tiffany moved onto the next agenda item. The board had 17 consent agreements to review along with Investigator Lee Strout. Each consent agreement was reviewed and discussed by the board.

In a motion duly made by Larry Van Daele and seconded by Michelle Huen, with a roll call vote, it was resolved to accept the consent agreement for Michael J. Colpo case #2018-000082.

Cash Joyce-YES

Thomas Sullivan-YES

Henry Tiffany-YES

Adam Trombley-YES

Larry Van Daele-YES

Michelle Heun-YES

Jason Bunch-YES

Nicolas Jackson-YES

In a motion duly made by Adam Trombley and seconded by Larry Van Daele, with a roll call vote, it was resolved to accept the consent agreement for Thomas J. DeBlauw case #2018-000076.

Cash Joyce-YES

Thomas Sullivan-YES

Henry Tiffany-YES

Adam Trombley-YES

Larry Van Daele-YES

July 26th, 2018

182 **Michelle Heun-YES**

183 **Jason Bunch-YES**

184 **Nicolas Jackson-YES**

185

186 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
187 **resolved to accept the consent agreement for Rudy J. Martin case #2018-000159**

188

189 **Cash Joyce-YES**

190 **Thomas Sullivan-YES**

191 **Henry Tiffany-YES**

192 **Adam Trombley-YES**

193 **Larry Van Daele-YES**

194 **Michelle Heun-YES**

195 **Jason Bunch-YES**

196 **Nicolas Jackson-YES**

197

198 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
199 **resolved to accept the consent agreement for Wayne W. Woods case #2018-000072**

200

201 **Cash Joyce-YES**

202 **Thomas Sullivan-YES**

203 **Henry Tiffany-YES**

204 **Adam Trombley-YES**

205 **Larry Van Daele-YES**

206 **Michelle Heun-YES**

207 **Jason Bunch-YES**

208 **Nicolas Jackson-YES**

209

210 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
211 **resolved to accept the consent agreement for Thomas J. DeBlauw case #2018-000076.**

212

213 **Cash Joyce-YES**

214 **Thomas Sullivan-YES**

215 **Henry Tiffany-YES**

216 **Adam Trombley-YES**

217 **Larry Van Daele-YES**

218 **Michelle Heun-YES**

219 **Jason Bunch-YES**

220 **Nicolas Jackson-YES**

221

222 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, to accept**
223 **the consent agreement for case #2016-001240,**

224

225 **Cash Joyce-NO**

226 **Thomas Sullivan-NO**

227 **Henry Tiffany-YES**

228 **Adam Trombley-YES**

229 **Larry Van Daele-NO**

230 **Michelle Heun-NO**

231 **Jason Bunch-NO**

232 **Nicolas Jackson-NO**

233

234 **The motion was denied**

235

236 Board members Larry Van Daele and Jason Bunch stated that a more severe fine would be more
237 appropriate considering the importance of submitting hunt records timely and with accurate
238 information.

239

240 **In a motion duly made by Larry Van Daele and seconded by Michelle Heun, with unanimous**
241 **consent, it was resolved to request the fine be changed to \$250 per violation, equaling \$2000,**
242 **with \$1000 suspended.**

243

244 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
245 **resolved to accept the consent agreement for Mitchell R. Davis case #2018-000164**

246

247 **Cash Joyce-YES**

248 **Thomas Sullivan-YES**

249 **Henry Tiffany-YES**

250 **Adam Trombley-YES**

251 **Larry Van Daele-YES**

252 **Michelle Heun-YES**

253 **Jason Bunch-RECUSED**

254 **Nicolas Jackson-YES**

255

256 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
257 **resolved to accept the consent agreement for Tad K. Gilbert case #2018-000427**

258

259 **Cash Joyce-YES**

260 **Thomas Sullivan-YES**

261 **Henry Tiffany-YES**

262 **Adam Trombley-YES**

263 **Larry Van Daele-YES**

264 **Michelle Heun-YES**

265 **Jason Bunch-YES**

266 **Nicolas Jackson-YES**

267

268 Board members Henry Tiffany and Cash Joyce stated that the unsuspended portion of the fine for Mr.
269 Gilbert should be more due to the nature of the violation.

270

271 **In a motion duly made by Jason Bunch and seconded by Cash Joyce, with a roll call vote, it was resolved**
272 **to lower the unsuspended fine amount to \$500, as there was no maliciousness in the violation for case**
273 **#2018-000449**

274

275 **Cash Joyce-YES**

276 **Thomas Sullivan-YES**

277 **Henry Tiffany-NO**
278 **Adam Trombley-YES**
279 **Larry Van Daele-NO**
280 **Michelle Heun-NO**
281 **Jason Bunch-YES**
282 **Nicolas Jackson-YES**

283
284 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
285 **resolved to accept the consent agreement, with the afore mentioned change, for Jeff J. Kruse case**
286 **#2018-000449**

287
288 **Cash Joyce-YES**
289 **Thomas Sullivan-YES**
290 **Henry Tiffany-YES**
291 **Adam Trombley-YES**
292 **Larry Van Daele-YES**
293 **Michelle Heun-YES**
294 **Jason Bunch-YES**
295 **Nicolas Jackson-YES**

296
297 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
298 **resolved to accept the consent agreement for Michael K. Petersen case #2018-000036**

299
300 **Cash Joyce-YES**
301 **Thomas Sullivan-YES**
302 **Henry Tiffany-YES**
303 **Adam Trombley-YES**
304 **Larry Van Daele-YES**
305 **Michelle Heun-YES**
306 **Jason Bunch-YES**
307 **Nicolas Jackson-YES**

308
309 Board member Jason Bunch stated that Mr. Petersen failed on every level of the required paperwork and
310 then was uncooperative when requested by the Division to provide information. He stated that
311 compliance with the paperwork requirements are just as important as the work done in the field.

312
313 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
314 **resolved to accept the consent agreement for Max K. Johnson, Jr case #2014-001068**

315
316 **Cash Joyce-YES**
317 **Thomas Sullivan-YES**
318 **Henry Tiffany-YES**
319 **Adam Trombley-YES**
320 **Larry Van Daele-YES**
321 **Michelle Heun-YES**
322 **Jason Bunch-NO**
323 **Nicolas Jackson-YES**

July 26th, 2018

324
325 In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was
326 resolved to lower the unsuspended fine amount to \$300, to keep consistency with the level of violation
327 in case #2018-000407

328
329 Cash Joyce-YES
330 Thomas Sullivan-YES
331 Henry Tiffany-YES
332 Adam Trombley-YES
333 Larry Van Daele-YES
334 Michelle Heun-YES
335 Jason Bunch-YES
336 Nicolas Jackson-YES

337
338 In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was
339 resolved to postpone the review of case #2018-000377 until the review of the application file is
340 completed during the next agenda item.

341
342 Cash Joyce-YES
343 Thomas Sullivan-YES
344 Henry Tiffany-YES
345 Adam Trombley-YES
346 Larry Van Daele-YES
347 Michelle Heun-YES
348 Jason Bunch-YES
349 Nicolas Jackson-YES

350
351 In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was
352 resolved to accept the consent agreement for Colton V. Hodson case #2018-000424

353
354 Cash Joyce-YES
355 Thomas Sullivan-YES
356 Henry Tiffany-YES
357 Adam Trombley-YES
358 Larry Van Daele-YES
359 Michelle Heun-YES
360 Jason Bunch-YES
361 Nicolas Jackson-YES

362
363 In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was
364 resolved to postpone the review of case #2018-000631 until the review of the application file is
365 completed during the next agenda item.

366
367 Cash Joyce-YES
368 Thomas Sullivan-YES
369 Henry Tiffany-YES
370 Adam Trombley-YES

371 **Larry Van Daele-YES**

372 **Michelle Heun-YES**

373 **Jason Bunch-YES**

374 **Nicolas Jackson-YES**

375

376 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote,**
377 **it was resolved to postpone the review of case's #2013-002250, 2016-000654 & 2016-000774**
378 **until the board consults with the Administrative Law Judge at 2:40 pm, agenda item 11.**

379

380 **Cash Joyce-YES**

381 **Thomas Sullivan-YES**

382 **Henry Tiffany-YES**

383 **Adam Trombley-YES**

384 **Larry Van Daele-YES**

385 **Michelle Heun-YES**

386 **Jason Bunch-YES**

387 **Nicolas Jackson-YES**

388

389 **In a motion duly made by Jason Bunch and seconded by Larry Van Daele, with a roll call vote, it was**
390 **resolved to raise the suspended fine amount from \$1250 to \$1900, as there was no maliciousness in the**
391 **violation for case #2018-000043**

392

393 **Cash Joyce-YES**

394 **Thomas Sullivan-YES**

395 **Henry Tiffany-YES**

396 **Adam Trombley-YES**

397 **Larry Van Daele-YES**

398 **Michelle Heun-YES**

399 **Jason Bunch-YES**

400 **Nicolas Jackson-YES**

401

402 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
403 **resolved to accept the consent agreement, with the afore mentioned change, for Stanley Parkerson**
404 **case #2018-000043**

405

406 **Cash Joyce-YES**

407 **Thomas Sullivan-YES**

408 **Henry Tiffany-YES**

409 **Adam Trombley-YES**

410 **Larry Van Daele-YES**

411 **Michelle Heun-YES**

412 **Jason Bunch-YES**

413 **Nicolas Jackson-YES**

414

415 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
416 **resolved to accept the consent agreement for Douglas L. Zweifel case #2018-000515**

417

418 **Cash Joyce-YES**
419 **Thomas Sullivan-YES**
420 **Henry Tiffany-YES**
421 **Adam Trombley-YES**
422 **Larry Van Daele-YES**
423 **Michelle Heun-YES**
424 **Jason Bunch-YES**
425 **Nicolas Jackson-YES**

426
427 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
428 **resolved to accept the surrender of license number GUIR1 belonging to Urban E. Rahoi, case #2017-**
429 **000699**
430

431 **Cash Joyce-YES**
432 **Thomas Sullivan-YES**
433 **Henry Tiffany-YES**
434 **Adam Trombley-YES**
435 **Larry Van Daele-YES**
436 **Michelle Heun-YES**
437 **Jason Bunch-NO**
438 **Nicolas Jackson-YES**
439

440 Board Chair, Henry Tiffany spoke on behalf of the entire board by saying that Mr. Rahoi has been a part
441 of the fabric of hunting in Alaska longer than he can remember. It is with a sad heart that the board accept
442 the surrender of Mr. Rahoi's license.
443

444 **Break 11:03 am – 11:11 am**
445

446 **• Definition of “emergency situation” in regards to 12 AAC 75.240(f)(1)(h)(4)**
447

448 After breaking for 8 minutes, Chairmen Tiffany brought the meeting back to order. He also
449 invited Alaska Wildlife Trooper, Lt Aaron Frenzel to join the meeting with questions regarding
450 the position statement that was approved by the board earlier in their meeting.
451

452 Lt. Frenzel thanked the board for their time in clarifying that child birth will be considered an
453 emergency as it pertains to 12 AAC 75.240(f)(1)(h)(4). He went on to caution the board on
454 allowing the licensee to determine when to leave the field and when to return. He stated that
455 because birth is somewhat planned, the AST's would like a more defined time line to adhere to.
456 Board Chair, Henry Tiffany stated that, like other emergencies and accidents, there really is no
457 way of knowing what may or may not happen in child birth. The board is not in the business of
458 “micro managing” it's licensees in situations like these. It is possible that there will be those that
459 abuse this situation, but that would need to be judged on a case by case situation. Mr Van Daele
460 provided the board with the definition of “emergency”: a situation requiring immediate attention
461 and remedial action.
462

463 The entire board agreed that as long as the client was notified prior to coming out into the field,

July 26th, 2018

informed of any current situations and the licensee has planned accordingly, then there would seem to be no violation. However, each case would need to be looked at in its entirety if the AWT's believe a violation may have occurred.

Application Review:

Mr. Tiffany thanked Lt. Frenzel for all of his work. He then moved the board's attention onto the 5 applications that need to be reviewed.

In accordance with the provision of Alaska Statute 44.62.310(c), I Larry Van Daele move to go into executive session for the purpose of discussing (2) subjects that tend to prejudice the reputation and character or any person, provided the persons may request a public discussion. Investigator Lee Strout, board counsel Megyn Weiland, AWT Lt Aaron Frenzel and Dawn Hannasch board staff to remain in the room. The motion was seconded by Adam Trombley with unanimous consent.

Entered into executive session at 11:31 am

Exited executive session at 1:07 pm

In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was resolved to approve the application for Chad Reel as a Master Guide Outfitter

Cash Joyce-YES

Thomas Sullivan-YES

Henry Tiffany-NO

Adam Trombley-YES

Larry Van Daele-YES

Michelle Heun-YES

Jason Bunch-NO

Nicolas Jackson-NO

Board Chair, Henry Tiffany made the following statement on behalf of the entire board regarding the approval of Mr. Reel's Master Guide Outfitter license:

It is the opinion of this board that with the amount of violations Mr. Reel has received, he has not presented himself as a good example of a Master Guide Outfitter. A Master Guide Outfitter is an honorarium title that many have worked hard for and have remained beyond reproach in their business practices. It is with regret that this board must approve this application for license. This board does not feel that Mr. Reel is deserving at this time of this honor, but he has meet the requirements of statute and regulations.

In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was resolved to approve the application for Zachary Davis as an Assistant Guide

Cash Joyce-YES

Thomas Sullivan-YES

Henry Tiffany-YES

510 **Adam Trombley-YES**

511 **Larry Van Daele-YES**

512 **Michelle Heun-YES**

513 **Jason Bunch-YES**

514 **Nicolas Jackson-YES**

515

516 Board member Michelle Heun stated that although she voted “yes” to approve Mr. Davis’ application, she
517 does so with some apprehension.

518

519 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
520 **resolved to approve the application for John Markham as an Assistant Guide**

521

522 **Cash Joyce-YES**

523 **Thomas Sullivan-YES**

524 **Henry Tiffany-YES**

525 **Adam Trombley-YES**

526 **Larry Van Daele-YES**

527 **Michelle Heun-YES**

528 **Jason Bunch-YES**

529 **Nicolas Jackson-YES**

530

531 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
532 **resolved to accept the consent agreement for John Markham case #2018-000377**

533

534 **Cash Joyce-YES**

535 **Thomas Sullivan-YES**

536 **Henry Tiffany-YES**

537 **Adam Trombley-YES**

538 **Larry Van Daele-YES**

539 **Michelle Heun-YES**

540 **Jason Bunch-YES**

541 **Nicolas Jackson-YES**

542

543 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
544 **resolved to approve the application for Philip Runkle as a Class-A Assistant Guide**

545

546 **Cash Joyce-YES**

547 **Thomas Sullivan-NO**

548 **Henry Tiffany-YES**

549 **Adam Trombley-YES**

550 **Larry Van Daele-YES**

551 **Michelle Heun-YES**

552 **Jason Bunch-YES**

553 **Nicolas Jackson-YES**

554

555 **In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was**
556 **resolved to accept the consent agreement for Philip J. Runkle case #2018-000631**

Cash Joyce-YES
Thomas Sullivan-NO
Henry Tiffany-YES
Adam Trombley-YES
Larry Van Daele-YES
Michelle Heun-YES
Jason Bunch-YES
Nicolas Jackson-YES

In a motion duly made by Adam Trombley and seconded by Jason Bunch, with a roll call vote, it was resolved to approve the guide use area registration, fourth portion exemption request for E. Mont Mahoney

Cash Joyce-YES
Thomas Sullivan-YES
Henry Tiffany-YES
Adam Trombley-YES
Larry Van Daele-YES
Michelle Heun-YES
Jason Bunch-YES
Nicolas Jackson-YES

Regulation/Statute Review:

- **Update on HB267**

Board staff reported that the bill is on Governor Walker's desk. The division anticipates him signing it before the end of July 2018. Once it is signed, it will become law 90 days later. Division staff is working to prepare the database so that a report can be generated, for a fee, upon request from the municipalities of Alaska.

- **Continuing Education**

Board Chair, Henry Tiffany presented his purposed regulation change, adding continuing education requirements to licensure. There was a brief discussion where the board expressed its support of this change and recommended that it go to the Statute & Regulations Subcommittee for further action.

In a motion duly made by Adam Trombley and seconded by Jason Bunch, with unanimous consent, it was resolved to move the purposed regulations change for continuing education onto the Statute and Regulations subcommittee.

- **Guide Use Area 9 and update to the sworn statement form**

Board member Jason Bunch presented the following recommended changes to guide use area Registration:

- 603
- 604 (a) The department will register an applicant in a guide use area if the applicant meets
- 605 the requirements of AS 08.54.750 and this section. For each guide use area for which a
- 606 registered guide-outfitter is registering, the registered guide-outfitter shall submit the
- 607 following information on a form provided by the department:
- 608 (1) The applicant's registered guide-outfitter license number
- 609 (2) The guide use area for which the registered guide-outfitter is registering
- 610 (3) **Certification in the game management unit in which the registered guide-outfitter**
- 611 **is applying within**
- 612 (4) **Sworn Statement by applicant attesting to the required Land Use**
- 613 **Authorization**
- 614 (5) **Sworn Statement by applicant attesting to the ability to provide services on**
- 615 **at least 5000 contiguous acres of uplands in the guide use area(s)**
- 616 **requested.**
- 617 (6) whether registration is for a single calendar year or multiple calendar years.
- 618 (b) Unless it is issued for multiple calendar years, a guide use area registration issued
- 619 under AS 08.54.750 and this section expires on December 31 of each year. A registration
- 620 for multiple calendar years expires on December 31 of the last year for which it is issued.
- 621 To re-register, the registered guide-outfitter must again submit a complete application
- 622 under (a) of this section.
- 623 (c) A registered guide-outfitter may register for a maximum of five calendar years
- 624 ending on December 31, including the calendar year in which the registration becomes
- 625 effective. A registration for multiple calendar years may be withdrawn or changed
- 626 annually, with the withdrawal or change to take effect on or after January 1 of the next
- 627 calendar year.
- 628 (d) In accordance with AS 08.54.750, a registration will be considered effective 30 days
- 629 after the date the registration is submitted to the department, or 30 days after the date
- 630 the application is considered complete, whichever is later.
- 631 (e) A registered guide-outfitter who is registered in three guide use areas may register
- 632 for and conduct big game hunting services in a portion of one additional guide use area
- 633 on federal land adjacent to a guide use area for which the registered guide-outfitter is
- 634 already registered if the registered guide-outfitter meets the requirements of (a)(1) –
- 635 (4) of this section, and submits
- 636 (1) the guide use area map that identifies the portion of the additional guide use
- 637 area that is located on federal land and is adjacent to a guide use area for which
- 638 the registered guide-outfitter is currently registered; and
- 639 (2) a letter from the federal landholder that states that the area would otherwise
- 640 remain unused by a registered guide-outfitter because the boundaries do not
- 641 coincide with boundaries of a federal big game guide concession or permit area.
- 642 (f) **A registered guide-outfitter may not register for, or provide services within, a**
- 643 **guide use area unless the applicant has written authorization by the landowner**
- 644 **or appropriate representative in the form of a permit, registration or letter to**
- 645 **provide big game hunting services on at least 5,000 contiguous acres of uplands**
- 646 **in the guide use area.**
- 647 (g) **A registered guide-outfitter must register for three calendar years to obtain**

registration for Guide Use Areas within Game Management Unit 9. Withdrawal from a guide use area within Game Management Unit 9;

(1) can occur one time within the three year registration period, with the withdrawal or change to take effect on or after January 1 of the next calendar year. See 12 AAC 75.230 (c).

The purposed new language for the sworn statement, if approved would read:

"I attest to having obtained land use authorization in writing form the land manger to provide big game hunting services on at least 5000 continues acres of uplands within the guide use area(s) requested above. I understand that if the department issues my guide use area registration application(s) based on this sworn statement I will be held fully responsible for providing services according to all Alaska guide and hunting statutes and regulations and other laws as applicable"

In a motion duly made by Jason Bunch, seconded by Michelle Huen, with a roll call vote, it was resolved to approve both the GUA 9 and sworn statement wording as written

Cash Joyce-NO

Thomas Sullivan-YES

Henry Tiffany-YES

Adam Trombley-YES

Larry Van Daele-YES

Michelle Heun-YES

Jason Bunch-YES

Nicolas Jackson-absent

- **Harvest vs Take**

Board Chair, Henry Tiffany requested that each board member research the definitions for "harvest" and "take" in regards to big game hunting. He has requested that the topic be put onto the December 2018 agenda and that each member report on what they have discovered.

- **Update on current regulations projects**

Board staff will be meeting with the division's regulations specialist to obtain an update on all current projects. Staff will provide the board with this information at the December 2018 meeting.

- **Definition for permanent lodge, house or cabin:**

Due to time constraints, Board Chair Tiffany has requested that Lt. Aaron Frenzel provide more information to the board at the December 2018 meeting. Board member Michelle Heun stated that she would like to partner with Lt Frenzel to research this topic and report back in December 2018.

Exam Concerns:

At this time, Board Chair Henry Tiffany invited Mrs. Denise Trombley to address the board with the concerns of her husband, registered guide outfitter applicant Glenn Trombley. Board member Adam Trombley stated that he will be recusing himself completely from the conversation. Board Chair Tiffany accepted his position.

Mrs. Trombley read a statement from Mr. Trombley outlining the concerns that he had after taking the registered guide outfitter exam and unit 17 and unit 19 exams in March 2018. He highlighted the scoring process, the caping video and the outdated unit exams.

Mr. Tiffany thanked Mr. & Mrs. Trombley for taking the time to provide very thoughtful, thorough and professional concerns. He stated that at the March 2018 RGO exam, out of 7 candidates 3 passed. Passing the exam is doable. The Board has been working to update the RGO exam. Once that is completed, they will begin to work on the 26 unit exams. The board is so dedicated to this task that they have a dedicated subcommittee working to rewrite and update the exams. Board member Jason Bunch stated that he believes that the board should review Mr. Trombleys exams. However, Mr. Tiffany reminded the Board that they have designated the review of exams to the Exam Superintendent. This is their protocol. For consistency's sake, they must continue this practice.

Fiscal Year 2018 3rd Quarter report:

At the end of the 3rd quarter of fiscal year 2018, the board's surplus is \$144,342. This confirmed for the board that they are on track to be fiscally solvent by the end of fiscal year 2019. Board member Jason Bunch state that he would like to see the division be able to provide all information requested by the public. OLE Dawn Hannasch informed the board that there is not enough staff to provide information that is not already generated in the division's database, such as "how many contracting guides are in Alaska" and "how many licenses paid their \$300 annual filling fee for a particular year". At this time the divisions database doesn't collect this information, therefore it would have to be collected by hand. The board has one staff member that is already working at full capacity with current assignments, daily tasks and responsibilities. Board member Jason Bunch requested that he and OLE Dawn Hannasch work together to figure out a way to provide this information to the public.

Board of Game Update

Board Member Larry Van Daele provided the board with a summary from the Western Association of Fish & Wildlife Agencies 2018 Annual Meeting. Mr. Van Daele also reported to the board about upcoming BOG meetings and topics.

Office of Administrative Hearing Case Review:

His Honor, Judge Lawrence Pederson joined the meeting via teleconference to review a case with the Board.

In accordance with the provision of Alaska Statute 44.62.310(c), I Larry Van Daele move to go into executive session for the purpose of discussing (2) subjects that tend to prejudice the reputation and

character or any person, provided the persons may request a public discussion. Board staff is not to remain in the room. The motion was seconded by Henry Tiffany with unanimous consent.

Entered into executive session at 2:42 pm

Exited executive session at 2:55 pm

In a motion duly made by Jason Bunch and seconded by Larry Van Daele, with a roll call vote, it was resolved to accept the consent agreement for Matthew L. Owen case #2013-002250, 2016-000654 & 2016-000774

Cash Joyce-YES

Thomas Sullivan-YES

Henry Tiffany-YES

Larry Van Daele-YES

Michelle Heun-YES

Jason Bunch-YES

Hearing nothing further, Board Chair Henry Tiffany adjourned the meeting at 2:58 pm

Respectfully submitted,

Dawn K Hannasch

Occupational Licensing Examiner

Date

Henry Tiffany

Board Chair

Date